

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID ROSE,

Plaintiff,

v.

EAGLE EXPRESS LINES, INC., et al.,
Defendants.

CIVIL ACTION

NO. 21-2784

ORDER

AND NOW, this 7th day of November, 2023, upon consideration of Defendants' Motion for Summary Judgment (ECF Nos. 41, 42), Plaintiff's Opposition thereto (ECF No. 43), and Defendants' Reply (ECF No. 45), **IT IS HEREBY ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants' Motion is **GRANTED** as to Plaintiff's age discrimination claims under the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. § 621 *et seq.*, Pennsylvania Human Relations Act ("PHRA"), 42 Pa. C.S. § 951 *et seq.*, and Philadelphia Fair Practices Ordinance ("PFPO"), Phila. Code § 9-1101 *et seq.*, which are **DISMISSED WITH PREJUDICE**.
2. Defendants' Motion is **GRANTED** as to Plaintiff's failure to accommodate claims under the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101 *et seq.*, PHRA, and PFPO, which are **DISMISSED WITH PREJUDICE**.
3. Defendants' Motion is **DENIED** as to all other claims.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.